

YOUTH SERVICES POLICY

Title: Domestic Violence Next Annual Review Date: 09/10/2013	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.60
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References: La. R.S. 14:79 (A)(2); the Violence Against Women Act of 1994, and Federal Gun Control Act, 18U.S.C. § 922(g) (9); YS Policies A.2.11 "Employee Assistance Program", A.2.22 "Violence-Free Workplace", C.1.3 "Crimes Committed on the Grounds of YS Facilities/Office Buildings and/or Properties"; Central Office SOP C.O.2 "Building Access and Precautions"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 09/10/2012

AUTHORITY:

Deputy Secretary of Youth Services(YS) as contained in La. R.S. 36.405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

The Office of Juvenile Justice (OJJ) is committed to promoting the health and safety of its employees and making a significant difference in the fight to end domestic violence. This policy is intended to heighten awareness of domestic violence and provide guidance to employees regarding domestic violence issues and their impact on the workplace.

III. APPLICABILITY:

This policy applies to all YS employees, volunteers, contractors and consultants engaged to perform services of OJJ.

IV. DEFINITIONS:

Domestic Incident - Any dispute, violence or report of an offense between family and/or household members or dating partners where police intervention is requested. A domestic incident is not always a violation of law.

Domestic Violence - A pattern of coercive behavior that is used by one person to gain power and control over another. The behavior includes, but is not limited to, the following:

- a. Physical violence;
- b. Sexual, emotional or psychological intimidation;
- c. Verbal abuse;
- d. Stalking;
- e. Use of electronic devices to harass; and
- f. Economic coercion.

Employee - An individual who works for OJJ on a full-time, part-time or temporary basis. It includes volunteers, contractors and consultants engaged to perform services of OJJ.

Family Member - Spouse, former spouse, parent, child, stepparent, stepchild, foster parent and foster child.

Household Member - Any person presently or formerly living in the same residence with the alleged perpetrator, whether opposite sex or same sex, whether married or not married.

Protective Order - A court order issued after a hearing or by consent of the parties. Protective orders are for a fixed period of time, generally not to exceed eighteen months, unless extended by the court. Protective orders issued within this state or outside this state shall be accorded full faith and credit by the courts of this state and enforced as if it were the order of the enforcing court provided the order was issued in compliance with La. R.S. 14:79 (A)(2).

Temporary Restraining Order (TRO) - A court order which was issued without a hearing and is valid for a short period of time until a hearing is held. A TRO may contain provisions relative to protection of persons, child custody, possession of property, use of property, etc. A TRO is not enforceable unless the defendant has been served.

Unit Head – definition will depend upon any revisions to V.H.2 below.

Workplace - All OJJ facilities, premises or equipment and any location where employees are engaged in OJJ business.

V. POLICY:

- A. It is the policy of OJJ to promote a safe environment for its employees and to communicate that violent behavior will not be excused or tolerated. OJJ is committed to assisting victims who are, or have been, victims of domestic violence, to protect the victims of domestic violence, and provide them with support and hold perpetrators accountable.
- B. OJJ offers a work environment free from:
 - 1. Physical violence;
 - 2. Sexual, emotional or psychological intimidation;
 - 3. Verbal abuse;
 - 4. Stalking;
 - 5. Use of electronic devices to harass; and
 - 6. Economic coercion.
- C. Firearms and dangerous weapons are banned from the workplace unless expressly authorized by the Deputy Secretary or designee.

- D. All reports of domestic violence will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical harm.
- E. If an employee needs to be absent due to domestic violence, leave may be granted in accordance with Civil Service Rules and the Family Medical Leave Act of 1993 (see YS Policy A.2.5).
- F. Any employee who commits an act of domestic violence may be removed from the premises and may be subject to disciplinary and/or criminal penalties. The perpetrator shall be held accountable regardless of employment, position or status.
- G. Any employee who reports domestic violence, reports a credible threat of domestic violence, or assists OJJ in a domestic violence investigation, shall not be retaliated against.
- H. Cooperation of all employees is imperative to implement this policy effectively and maintain a safe working environment. An employee should not ignore violent, threatening, harassing, intimidating or other disruptive behavior.
 - 1. An employee who observes such behavior on any agency property shall report the behavior to a supervisor.
 - 2. Behavior requiring immediate attention should be reported to at least one of the following:
 - a. Unit Head (Deputy Secretary, Director, or Regional Manager)
 - b. Local law enforcement (dial 911 if available) and
 - c. Supervisor
 - 3. Additional information and assistance may be obtained by calling the following:
 - a. Louisiana Coalition Against Domestic Violence Hotline, 1-888-411-1333, or
 - b. National Coalition Against Domestic Violence Hotline, 1-800-799-SAFE (7233). TDD for hearing impaired, 1-800-787-3224.

VI. MANDATORY NOTIFICATION:

- A. An employee who becomes a victim of domestic violence must report the incident to his/her supervisor as soon as practicable following the incident.
- B. An employee who has been arrested or received a summons for domestic violence must notify his/her supervisor within 72 hours of the arrest or summons.

- C. An employee who has been named as a defendant and served with a Temporary Restraining Order or Protective Order resulting from a domestic incident must notify his/her supervisor as soon as practicable following service.

VII. UNLAWFUL POSSESSION OF A FIREARM:

- A. 18 USCA §922, in pertinent part, provides that it is unlawful for a person, in or affecting commerce to possess, any firearm or ammunition if the person has been convicted in any court of a misdemeanor crime of domestic violence or if the person is subject to a court order that:

was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

restrains such person from harassing, stalking or threatening an intimate partner or such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

VIII. RESPONSIBILITIES:

A. Employee

- 1. An employee shall report to his/her supervisor all occurrences of domestic violence or domestic incident involving himself/herself.
- 2. An employee shall notify his/her supervisor of any restraining orders issued on behalf of the employee against family members or household members.
- 3. An employee shall cooperate with OJJ personnel officially involved in a domestic violence complaint or investigation.

B. Supervisor

- 1. A supervisor shall ensure that the domestic violence policy is explained to new employees.
- 2. A supervisor shall monitor daily activity in the workplace, identify potential domestic violence incidents and take appropriate action to divert such disturbances in the workplace.

3. A supervisor shall notify their Unit Head through the chain-of-command of complaints regarding domestic violence in the workplace.
4. A supervisor shall obtain a Workplace Violence/Domestic Violence Incident Report [see Attachment (a)] from each employee who is a witness or party to a credible threat or act of workplace violence/domestic violence. Attempts should be made to obtain a Workplace Violence/Domestic Violence Incident Report or a written statement from non-employee witnesses. The form and written statements shall be forwarded through the chain-of-command to the Unit Head and appropriate Regional Director.
5. A supervisor shall cooperate with OJJ personnel officially involved in a domestic violence complaint or investigation.
6. A supervisor shall take appropriate action based on the findings of a domestic violence investigation.
7. A supervisor shall notify the Unit Head of any restraining orders issued on behalf of an employee against family members or household members.

C. Unit Head

1. The Unit Head shall be responsible for implementing in his respective Budget Unit all agency policies and procedures related to domestic violence in the workplace.
2. The Unit Head shall notify the Regional Director of complaints regarding domestic violence in the workplace.
3. The Unit Head shall take appropriate action based on the findings of a domestic violence investigation. Appropriate action may include notification of employees of a specific threat, instituting heightened security measures, contact with local law enforcement and Investigative Services, and issuance of a BOLO (be on the look out) notification at key security points.
4. The Unit Head shall forward the Workplace Violence/Domestic Violence Incident Report and written statements to the Department of Public Safety (DPS) Human Resources (HR) Director.

D. DPS Human Resources

1. The DPS-HR Director/designee shall not conduct investigations. The DPS HR office will act as secondary contact for OJJ by providing employees who are victims of domestic abuse with resources for counseling additional support.

2. The DPS HR Director/designee, shall assist in determining the effectiveness of this policy and developing changes as appropriate to prevent domestic violence in the workplace.

E. DPS HR Director

1. The DPS HR Director shall receive all Workplace Violence/Domestic Violence Incident Reports and establish a uniform reporting system to track all domestic violence in the workplace incidents. The DPS HR Director shall maintain statements and related records in accordance with public record laws.
2. The DPS HR Director shall not conduct investigations. The DPS HR Director will act as primary contact for OJJ by providing employees who are victims of domestic abuse with resources for counseling and additional support.
3. The DPS HR Director shall evaluate the effectiveness of this policy and recommend policy changes as appropriate to prevent domestic violence in the workplace.

IX. CONFIDENTIALITY:

Confidentiality of the reporting employee shall be protected at all times. An employee shall be informed on a need-to-know basis, and only to the extent provided by law.

Previous Regulation/Policy Number: A.2.60

Previous Effective Date: 07/12/2010



Attachments/References: [A.2.60 \(a\) Workplace Violence-Domestic Violence Incident Report.docx](#)